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Examiner: Lorna M. Douyam
Group Art Unit: 1751

REMARKS/ARGUMENTS

The courtesy of the interview granted Applicants' Attorney by Examiner Douyon, the Examiner in charge of this application, on January 5, 2007, is acknowledged with thanks and appreciation. At the time of the interview, Applicants had not received an Advisory Action responsive to Applicants' Response filed October 23, 2006. During the course of the interview, Examiner Douyon had informed Applicants that she had issued an Advisory Action which had not yet been sent. Examiner Douyon informed Applicants' attorney that Applicants' Response did not place the application in condition for allowance and that the Declaration filed with the Response would not be entered because the Declaration did not place the application in condition for allowance.

During the interview, Applicants' attorney briefly discussed the Declaration of Monfort Johnsen with the Examiner and informed her that the Declaration relates to the issue of the obviousness of the claimed invention under 35 U.S.C. § 103 of packaging a hydrogen peroxide aerosol composition in a bare aluminum container based on the references cited by the Examiner. In addition, Mr. Johnsen, a recognized expert in the aerosol field, after studying the references and opined that the claimed invention would not be obvious to a person of ordinary skill in the aerosol packaging art from a combined teaching of the Kenkare et al. '752 and the Lauwers et al. '926 references.

Examiner Douyon indicated that evidence showing the comparison between the performance of coated and uncoated aluminum cans with a hydrogen peroxide aerosol composition would likely be persuasive to the issue of obviousness of the claimed invention. Examiner Douyon further suggested that Applicants file a Request for Continued Examination to have the Johnsen Declaration more fully considered and any other evidence considered.

Enclosed herewith is a Declaration of Eric J. Hansen under 37 CFR § 1.132. Mr. Hansen in his declaration states that he was responsible for the development of a two component aerosol spot cleaner package for BISSELL Homecare, the Assignee of the above-identified patent application. This two component aerosol spot cleaner package became the subject matter of the claimed invention in the above-identified application. Mr. Hansen further discusses some of the

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problems which were encountered in developing the spot cleaner package, principally with packaging of the hydrogen peroxide aerosol composition in an aerosol can. Mr. Hansen states that, to his surprise, through testing and actual use in the field, the hydrogen peroxide composition dislodged the linings of the lined aluminum cans, resulting in a disintegration of the lining and clogging of dip tubes in the aerosol can. As a result, the packaging of a hydrogen peroxide aerosol composition in lined aluminum cans was unsatisfactory and rendered the product unusable. As a result, BISSELL Homecare packaged the hydrogen peroxide aerosol compositions in unlined aluminum cans which were found to be completely satisfactory in the field with sales of the aerosol spot cleaner over six million units. Since the introduction of the product in 2002 and to the date of his Declaration, no operational problems have occurred in the unlined aluminum cans with the hydrogen peroxide aerosol composition used in the commercial two component product sold by BISSELL Homecare.

The Examiner is requested to once again review the Johnsen Declaration and to review the enclosed Hansen Declaration in the context of the arguments made in Applicants' Response filed October 23, 2006, to the final rejection of the claims over the Kenkare et al. '752 patent in view of the Lauwers et al. '926 patent. Reconsideration of the claims for patentability based on this record is respectfully requested.

Respectfully submitted,

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